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The land and decolonization issue

FIGHTING THE WAR ON ERROR

Unsettling Canada

Reconciliation on trial:
The residential school
legacy continues

Linguicide and the
case for language
immersion

March/April 2011 Vol 40 No 2

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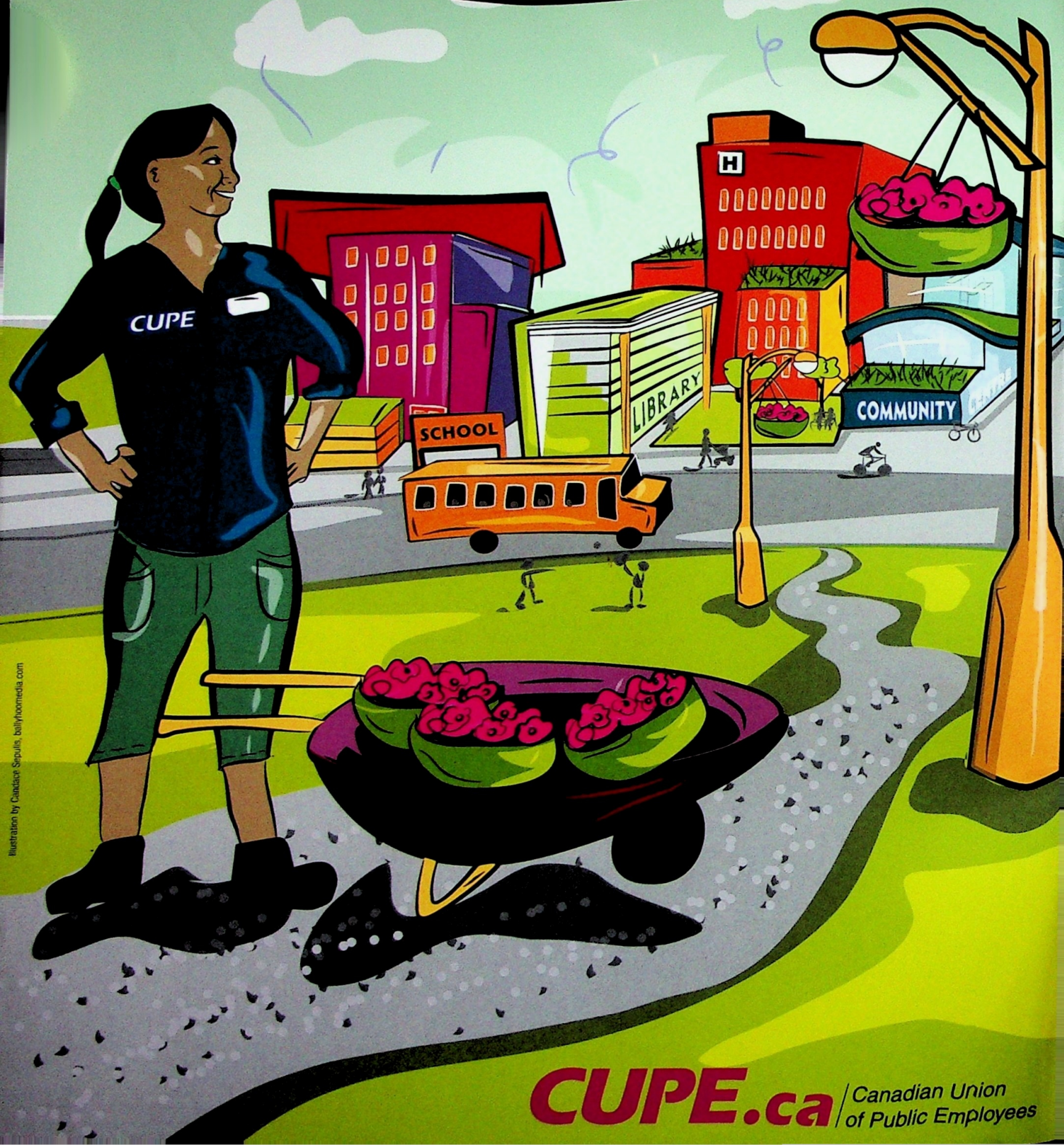
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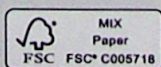
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FIGHTING THE WAR ON ERROR

Volume 40, Number 2 - March/April 2011

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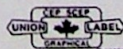
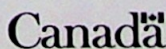
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contested ground

It wasn't until 1996 that Canada's last residential school was shuttered on the Gordon First Nation reserve 100 kilometres north of Regina, marking the end of one of the most sordid chapters in Canada's colonial history. While the objectives of the Residential School System – the eradication of languages and destruction of culture, dissolution of family and community ties, and ultimately the removal of Indigenous people as barriers to settlement and resource extraction on their traditional territories – are now pursued through subtler means, the colonial project in Canada is far from complete.

There are presently three times the number of Indigenous children in state care than at the height of the Residential School System, with Aboriginal children over 12 times more likely to wind up in the child welfare system than their non-Native counterparts. In Saskatchewan, they comprise a staggering 67 per cent of all children in foster care. As Angela Sterritt writes in "Reconciliation on Trial," their experiences of cultural dislocation and abuse bear stark resemblance to those of residential school survivors.

Andrea Bear Nicholas' "Linguicide" describes how integrated education has scarcely emancipated First Nations children from the residential school legacy, and continues to eradicate Indigenous languages in pursuit of a broader agenda of assimilation.

State violence and institutionalization are by no means limited to Indigenous children. Between 70 and 80 per cent of those imprisoned in the Prairies' correctional facilities are Aboriginal, though they represent less than 15 per cent of the population. As Gillian Balfour explains in "Criminal (In)justice," Indigenous women have been subject to particular criminalization. Their incarceration exists on a continuum of violence that perhaps finds its clearest expression in B.C.'s Highway of Tears. It includes suffering rates of violent crime that are 319 times higher than for Canada's non-

Native population.

Efforts to extinguish Aboriginal rights and title continue to be reinvented, alongside increasingly intensive resource exploitation by Canadian industry in Indigenous territory. Just as Canada has ramped up its imperial adventures across the globe – be it counterinsurgency in Afghanistan, coups in Haiti and Honduras, or capital investment by Canadian mining and energy corporations throughout Latin America – we are also witnessing a renewed push to extend the frontiers of capitalist expansion ever deeper into Indigenous lands here at home. While more than 800 land claims remain outstanding before the federal government, the facts on the ground continue to be established in the form of highways, hydro projects and housing developments.

The colonial project persists in Canada because it has never fully succeeded. As Gord Hill illustrates in the following pages, this history is as much a story of defiance as it is of domination. Campaigns to encroach on the land and sovereignty of Indigenous peoples have been, and continue to be, contested at every step. From Oka to Gustafsen Lake, from Caledonia, Cornwall and Sutikalh to Fish Lake and Grassy Narrows, efforts to further penetrate Indigenous territories over the past two decades have been met by an upsurge in resistance and sustained struggles by First Nations peoples. These sites of contestation are a clear reminder that despite the power imbalance, the success of the colonizer is never assured. Their names resonate precisely because of the victories that they represent, against clear-cuts, pit mines, border guards, subdivisions and ski hills.

This issue of *Briarpatch* explores the continuing story of colonization in Canada. It is my hope that the articles collected here will serve us, Native and non-Native alike, in situating ourselves in this ongoing narrative as we collectively give shape to a different story, that of decolonization and the unsettling of Canada.

VALERIE ZINK, EDITOR/PUBLISHER
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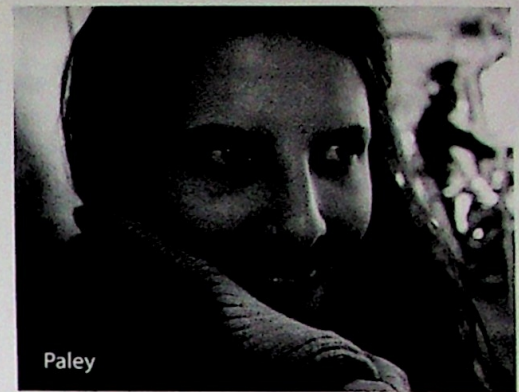
Angela Sterritt is a journalist and artist based out of Vancouver, B.C. She is a proud member of the Gitksan Nation.

Jonathan Taggart is a Vancouver-based photojournalist and a founding member of the Boreal Collective,

a Canadian assemblage of documentary photographers. His work currently focuses on raising awareness of the challenges facing British Columbia's Indigenous populations, both urban and rural. His April 2009 photo essay in *Briarpatch*, "Salt & Earth," was nominated for a National Magazine Award in Photojournalism.

Hailing from the Secwepemc (Shuswap) Nation in the interior of B.C., **Tania Willard** is a designer, curator and visual artist committed to celebrating Aboriginal expression. An honours graduate from the University of Victoria (1998), Willard utilizes narrative in her various endeavours – in the arts and advocacy – sharing stories, and experiences. Her activities, from early work with *Redwire Magazine*, a national Native youth publication, to more recent curatorial and critical endeavours, demonstrate Willard's passion for the arts.

Xero became an activist when she realized that art is a capitalist venture run by (and for) elites.



Paley



Sterritt

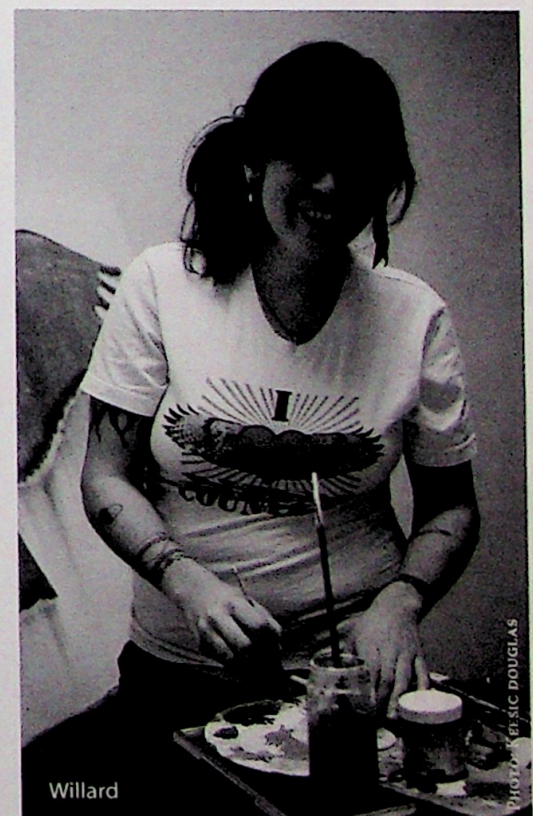


Bear Nicholas

PHOTO: ST. JOHN TELEGRAPH JOURNAL



Hill



Willard

PHOTO: KESIC DOUGLAS



Linguicide

Submersion education and the killing of languages in Canada

By Andrea Bear Nicholas

Illustrations by Tania Willard

lin•gui•cide

-noun

the killing of languages without killing the speakers.

For the most part, Canadians are probably aware that linguicide was a central and overt policy in residential schools throughout Canada. Indeed, the stories of First Nations children being routinely punished in residential schools for speaking their language, sometimes even with needles stuck through their tongues, are legion. While it is assumed that linguicide died with the closure of the last residential school in 1996, in truth it continues as a covert policy into the present. As Roland Chrisjohn stated, "residential schools...never ceased operation; they merely changed their clothes, and went back to work." Though it is no longer quite so easy to openly punish First Nations students for speaking their language, the ongoing dominance of colonial languages over Indigenous linguistic groups continues to fuel linguicide.

The continued drive for linguicide is partly a response to two of the official reasons for closing residential schools, the first being that, apart from the now notorious abuses, the quality of education in residential schools was inferior by any standard; and second, that residential schools had failed to assimilate most First Nations children. To address these shortcomings, policy-makers in the 1940s, '50s and '60s began toying with a new solution: integrating First Nations children into public schools. In fact, educators and policy-makers at the time openly proclaimed assimilation to be both a worthy and achievable objective through integrated education.

Now, more than half a century later, we know that integrated education for First Nations children has been a disaster. While it did make available a somewhat better quality of education for First Nations youth, more than 50 per cent of these youth are dropping out of school today. To be more precise, they are being *pushed out* of school. The tragedy of integrated education is not only that it fails those who are pushed out, but also that it takes a terrible toll on those First Nations students who remain, for to succeed in this form of education requires a certain degree of assimilation on the part of the child.

For far too long, educators have tended to address the high drop out rate by blaming First Nations children themselves, in addition to their families, their communities, their cultures, their languages and their socio-economic conditions.

The use of the term "drop out" itself belies a blame-the-victim form of thinking. Other evidence of this is the proliferation of remedial programs designed either to "fix" First Nations children, or simply to entice them to stay in school through tutoring programs, the inclusion of Indigenous cultures and languages in school, and the hiring of Indigenous personnel. To use the term *push out* instead of *drop out* is to reverse the thinking and to place the burden of blame on the schools and policies of the dominant society.

While schools can no longer get away with physically punishing children for speaking their languages, they still practice effective linguicide by imposing a dominant language (English or French) as the medium of instruction and by ignoring, stigmatizing and effectively replacing or displacing Indigenous languages. Linguistic rights scholar Tove Skutnabb-Kangas has termed this as "subtractive language education," since it subtracts from a child's linguistic repertoire instead of adding to it. While it uses a variety of subtle carrot-and-stick approaches to impose the dominant language, what makes this form of education especially effective is that it separates Indigenous children from proficient speakers of their language for most of the day and requires them to function exclusively in an imposed and alien language.

Though teachers may no longer physically punish children or speak negatively about their mother tongue, the subtle message is that the Indigenous language is not useful or necessary, and that it may even hurt children to be able to speak it. Indeed, it is the subtlety of subtractive education that makes it at least as effective as outright punishment in destroying a language. Subtractive language education is also accurately called submersion education insofar as it submerses Indigenous children in both an alien language and an alien culture and expects them to sink or swim. The result is that full proficiency in the dominant language is rarely achieved because children are not given the chance to first become fully proficient in their first language.

The problem for Indigenous children exposed to this system is that it generally takes about two years to become socially proficient in a second language and five years to become proficient enough to function well academically in



a second language. As a result, educators unaware of this disparity tend to label Indigenous students early in their schooling as learning disabled, or worse, and it is these students who eventually tend to be pushed out of school.

Clearly, the promise of quality education for First Nations children in Canada has not been fulfilled by integrated education. The problem lies largely in the imposition of a dominant language as the medium of instruction, which ensures that equal access to education is denied to Indigenous or minority-language children.

According to some researchers, the problem is more serious than just unequal access to education. Submersion education has been linked to social dislocation and other serious forms of psychological and cognitive harm. Considering that First Nations in Canada have been subjected to submersion education for generations, it goes a long way to explain not only the disproportionately high rates of poverty, addiction, incarceration and suicide that plague First Nations, but also the social, economic and political marginalization that Indigenous people in Canada continue to suffer from.

The links between these conditions and the common experience of submersion education have led linguistic rights scholars such as Skutnabb-Kangas to conclude that the imposition of dominant languages as a medium of instruction is a "weapon of mass destruction." As such, it fits the United Nations definitions of Genocide and Crimes against Humanity. While Canada may insist that it did not know its policies would have such destructive consequences at first, it can no longer plead ignorance.

Linguicide and land expropriation

In the early years of colonization, the destruction of Indigenous languages in what is now Canada was not considered essential. Traders needed Indigenous trappers to maintain their form of life on the land and explorers needed Indigenous peoples' knowledge in order to explore and map the land. Once European powers began competing with each other for land and resources, they established colonies as a way to solidify their claims. Led by a belief in their own cultural and racial superiority, colonial authorities routinely

appropriated lands simply by granting them to prospective settlers without informing or compensating First Nations. Known as "settler imperialism," this genocidal process separated Indigenous Peoples from their food sources and regularly triggered resistance, which all too often served as a convenient justification for wars of extermination. Either way, First Nations Peoples who survived quickly found themselves dispossessed, displaced and powerless to seek justice or restitution.

Once England secured what is now Canada against the claims of the French, the colonial project of expanding across the continent began in earnest. Though Indigenous resistance was frequent, authorities soon found settler imperialism to be a cheaper and more effective strategy than war. Central to this process was the establishment of residential schools, which were charged with the duty of civilizing Indians by imposing English and eradicating Indigenous languages.

Indigenous languages are not being "lost" – they are being systematically ripped from Indigenous Peoples through submersion education.

Though described benignly as being in the best interest of the Indians, the real objective of this policy was much more sinister. So closely did language tie Indigenous Peoples to their lands that authorities focused on deliberately destroying First Nations languages as the key to severing ties between the people and their lands. The goal, of course, was purely material – to remove First Nations Peoples as barriers to settlement, thereby opening the land and its resources to appropriation by the newcomers. While other strategies were employed to achieve the same ends, including the slaughter of the buffalo, the imposition of the Indian Act, and the establishment of reserves, linguistic destruction has formed the backbone of Canadian Indian (and land acquisition) policies, both official and unofficial, until the present.

As in other parts of the world, this destruction of Indigenous languages serves powerful economic, political and military interests as it serves to disconnect First Nations Peoples from their lands and opens the door to unfettered exploitation and destruction of natural resources. Little wonder that linguistic diversity in the world is now said to be declining much faster than biodiversity – so much so that 95 per cent of the world's languages are predicted to become extinct by the end of this century. Since submersion education is now linked to serious psychological, educational and cognitive harms, its role in the impoverishment and marginalization of Indigenous Peoples can also be said to serve the powerful interests cited here. Indeed, as long as Indigenous Peoples continue to experience these consequences, it will serve, in turn, as a further excuse to keep them dispossessed well into the future.

The consequences of submersion education

The success of submersion education in destroying First Nations languages is evident in the statistics. Today there are almost no child speakers of most First Nations languages in Canada. With no child speakers, all but three of the 60 or so original languages in Canada are predicted to become extinct by the end of this century. With them will go the whole body of history, culture and knowledge contained in these languages. At present, the situation of the Maliseet First Nation in New Brunswick, in which only 10 to 20 per cent of its people are fluent in their mother tongue, most of whom are over 60 years of age, is common to a large number First Nations languages in Canada.

Existing core programs of 30 or so minutes a day of language instruction are useless for maintaining or creating fluency, as 90 per cent of the school day and all of the "real" subjects are conducted in the dominant language. The subtle message is that First Nations languages are neither important nor worthy of the same linguistic rights as French and English. The active destruction of First Nations languages in English and French schools, even on reserves, continues in a variety of other subtle ways – through the imposition of a provincial curriculum in English and French, the promotion of English and French language preschool programs for Indigenous children, and the long-standing practice of requiring Indigenous people to take teacher training in English or French to become certified as teachers, to name a few.

The internationally recognized right to speak one's mother tongue proficiently (see the UN Declaration on the Rights of Indigenous Peoples, for example) is thus violated in the case of Indigenous children in Canada by the simple fact that there is generally no option for education in the medium of the mother tongue. As a result, First Nations children are forced to attend English or French schools by law. The imposition of dominant languages on Indigenous children is now considered to be the single most important – and correctable – factor in the shamefully high push out rate of 50 per cent among First Nations youth, compared to the 10 to 15 per cent of non-Native students who do not complete school.

Language immersion and decolonization

Considering both the blatant and subtle strategies still employed to destroy Indigenous languages, we can no longer accept that language attrition is a natural process, nor one achieved without agency. Indigenous languages are not being "lost" – they are being systematically ripped from Indigenous Peoples through submersion education. It is by understanding the deliberateness of the process – however unconscious or well-meaning it is claimed to be – that appropriate action can be undertaken to rectify the situation. Unfortunately, the window of opportunity for regenerating most of the precious Indigenous languages, such as Maliseet, will be gone in less than a decade unless massive policy changes and funding supports are instituted immediately.

With such harmful consequences now known to result from submersion education, there is little excuse for Canada to continue to deny First Nations children the right to publicly funded education taught in their mother tongue. Key to achieving widespread support for this goal is educating Canadians not only about the negative consequences of submersion education, but also the enormous benefits of education in one's mother tongue, or immersion education. A short list of those advantages is as follows:

- 1) Immersion education is the best and most cost-effective means of learning to speak a language.
- 2) Research has shown that learning to speak, read and write proficiently in the medium of one's mother tongue actually enhances one's ability to speak, read and write in any other language.
- 3) Full bilingualism or multilingualism tends to enhance academic achievement, not hinder it.
- 4) Indigenous children educated a minimum of six to eight years in their mother tongue tend to outperform their peers educated monolingually in a dominant language.
- 5) Within an immersion program there is less need to consciously teach traditional culture, values and beliefs since these aspects are embedded in the languages.
- 6) Schooling conducted in the medium of endangered languages goes a long way in ensuring that those languages will survive since it creates fluent child speakers.
- 7) Such schools also ensure that the linguistic and educa-

tional rights of Indigenous children are respected, not only for those who already speak their language, but also for those who may never have learned their mother tongue due to the processes described here, but still have a basic right to become fluent in the language of their community.

While initial costs of establishing immersion programs may be large, the overall benefits of immersion education are certain to be enormous insofar as improved school completion rates are known to correlate with lower social costs in terms of poverty, addictions, incarceration and suicide. In one cost-benefit analysis, for example, it was determined that it costs more to keep one person in prison for one year than it does to provide a private tutor to educate a person in the medium of the mother tongue for nine years. For Indigenous Peoples themselves, the benefits of a populace thoroughly educated and proficient in their own languages, cultures and histories is a well-recognized key to self-sufficiency, health, and ultimately to decolonization.

Considering the harms of submersion and the benefits of immersion, both for dominant societies and for Indigenous Peoples, it is a travesty that immersion education for the First Peoples of this land is not widely supported, especially in a country that champions the benefits of bilingualism. Hopefully, this article will help address the fundamental need to inform the public about the ongoing existence of linguicide in Canada, so that action can be taken before it is too late. **b**

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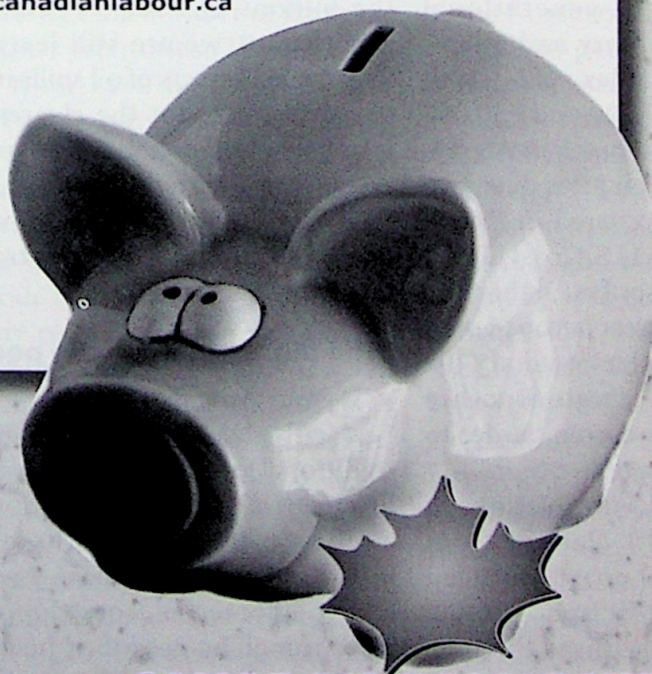
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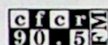
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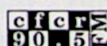
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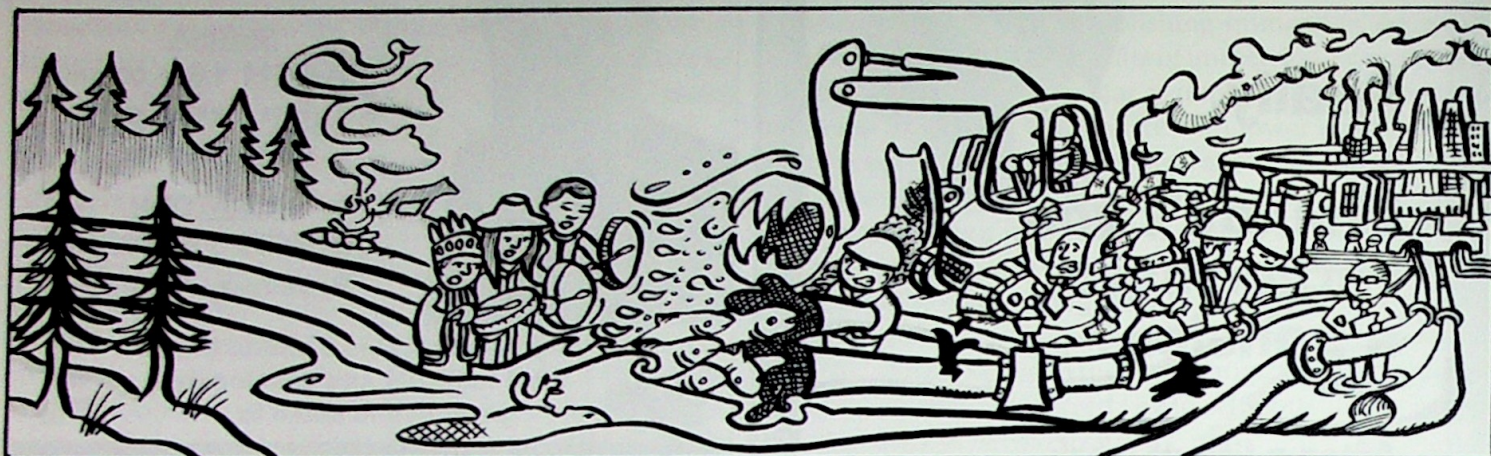
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Oil and water don't mix

Dakelh communities defend their land and watercourses from Enbridge's Northern Gateway pipeline project

By Tyler McCreary



On September 8, 2010, more than 500 people marched through Dakelh Territory in downtown Prince George, British Columbia, in a protest led by the Carrier Sekani Tribal Council against the Enbridge Northern Gateway pipeline project. The protest represented but one of a series of escalating actions in opposition to the proposed \$5.5 billion pipeline and tanker port, which would transport bitumen from Alberta's tar sands to Kitimat on the British Columbia coast for shipment to Pacific markets.

While the Calgary-based company has described the project as a linkage of "national strategic importance," First Nations opposing Enbridge are increasingly vocal about the threat the pipeline poses to the environments that underlie both their survival and that of all northern residents.

The Northern Gateway project consists of a proposed 1,170-kilometre twin pipeline, crossing dozens of First Nations' traditional territories as well as 785 watercourses. A smaller 20" line would ship condensate – a kerosene-like liquid used to thin heavy oil for transport – east, while a larger 36" line would transport approximately 500,000 barrels of crude bitumen to port daily.

At the Kitimat marine terminal, the pipeline would supply an estimated 225 tankers yearly. These tankers would range from the sizable Aframax vessels, carrying up to 700,000 barrels of

oil, to the super-sized VLCC tankers (literally, "Very Large Crude Carrier") carrying up to 2.3 million barrels of oil. Before reaching open waters or foreign ports, these boats would be required to navigate the treacherous Douglas Channel before heading through the Hecate Strait – the world's fourth most dangerous watercourse, according to Environment Canada.

Treacherous watercourses

Coastal First Nations know the unpredictable violence of these watercourses from both personal experience and multi-generational oral history. The memory and effects of the 1989 Exxon Valdez spill, which dumped between 257,000 and 750,000 barrels of crude oil just north in Alaska, also linger in the region after over two decades. That spill occurred in Prince William Sound, which U.S. Coast Guard Admiral Paul Yost described at the time of the spill as "not a treacherous area." In contrast, the malevolent waters of the Douglas Channel and Hecate Strait are difficult to navigate and even harder to clean if an accident were to occur.

Leaders of Coastal First Nations, a coalition of nine First Nations from the north and central coast, travelled to Louisiana after the BP spill into the Gulf last summer to witness the new technologies developed to handle a spill in a marine environment. Gerald Amos, president of Coastal First Nations,

reported that "despite massive investments in new technologies to extract oil from the earth, there appears to be no advance in our capacity to cleanly remove oil from water."

Although much of the oil had visually disappeared by summer's end, an August report from five oceanographic experts concluded that 79 per cent of the oil released by the BP disaster remained present in the ecosystem and a serious threat.

While thousands of dead fish and birds – as well as economic losses to spill-impacted fisheries measuring in the billions of dollars – continue to accumulate, we are still learning the long-term impacts of oil spills in marine environments. But the clearest lesson is one from grade school: oil and water do not mix. With this in mind, Coastal First Nations declared a moratorium on oil tanker traffic in their traditional territories in March 2010.

"The dinner plate of the people"

Gerald Amos, an elected councillor with the Haisla First Nation and traditional name holder as well as the president of Coastal First Nations, spoke to *Briarpatch* from his home in the Haisla village of Kitimaat. Living four or five kilometres from the proposed oil terminal, he described his concerns about the introduction of tankers to the area.

Holding the name Gaadakhak within

the Beaver Clan, Amos recounted his people's long-standing connection to their territories. To his people, Hatlalisna, the place where the lower reaches of the Kitimat River meet the ocean in Douglas Channel, mixing fresh and salt water, is not an appropriate place to load oil onto tankers. "In the old days this was the dinner plate of the people. It sustained us for thousands of years."

Industrial development, however, has endangered both the environment and traditions of the Haisla First Nation. The development of Kitimat over the last 60 years, driven by Alcan's aluminum smelter (now owned by Rio Tinto) and Eurocan's pulp mill, has decimated local food resources. According to Amos, "there has been an advisory warning on local crabs for 25 years. People don't eat crab now because they are polluted and dangerous to your health."

Although Eurocan has now closed and the smelting plant is modernizing, a new oil pipeline and tanker port threatens to undermine the prospects for ecological restoration and cultural revitalization. According to Amos, "additional [tanker] traffic, even without a spill, would impact resources."

Thus, the Coastal First Nations, alongside and in coordination with their member communities, have been working on a number of fronts to protect their territories. This includes making their case before the Joint Review Panel and working with legal counsel to ensure their rights and title are respected. It also extends to direct action. Amos was clear: "people will do whatever it takes to see their interest in the lands and seas respected." While some may refer to this as civil disobedience, Amos prefers to call it "civil obedience" or "following the Nuyem."

"The Nuyem are our traditional laws, and people standing on the line are simply being obedient to how they have been taught," Amos explained. "Nuyem, in its simplest terms, teaches us that we are all culpable for where the earth is at. We need to take responsibility for our activities, for climate change. As children, the first part of the Nuyem we learned was about respecting the weak-

est creatures. We were taught that you are not separate from your environment, and that you need to respect that."

A vital connection

Living several hundred kilometres inland, the communities of the Carrier Sekani Tribal Council possess a deep relationship to their own storied landscape. In their own language, the Carrier refer to themselves as Dakelh, meaning "people who travel upon water." Bounded to the east by the Rocky Mountains, to the north by the Omineca Mountains, and to the west by the Coast Mountains, their territories

"Our history, way of life, culture and traditions are going to go floating down that river with the oil."

are spotted with numerous natural lakes and wetlands, as well as man-made reservoirs. Their lakes and streams host an abundance of fish, including resident trout, char, sturgeon and whitefish, as well as the cyclic returns of the anadromous salmon to spawn in the waters of their birth.

Approximately 340 kilometres of Carrier Sekani lands would be bisected by the Northern Gateway pipeline route, roughly 30 per cent of the total length of the proposed pipeline. In the Carrier Sekani Declaration, issued on April 15, 1982, they proclaimed "we of the Carrier and Sekani Tribes have been, since time immemorial, the original owners, occupants and users of the north central part of what is now called the province of British Columbia. [...] [I]n addition to the original ownership, occupancy and use, we have exercised jurisdiction as a sovereign people over the said lands." Enbridge's pipeline threatens the vital connection between Carrier Sekani people and their territories.

Like the Haisla, the impacts of development are not unknown to the Carrier Sekani. In fact, Dakelh and Haisla communities have already been linked by the devastating impacts of a major energy project. The construction of the Kenney

Dam in the 1950s fundamentally altered the geography of Carrier Sekani territories, strangling the Nechako's eastward flow and redirecting the majority of its water backwards through a 16-kilometre tunnel in the Coast Mountains to provide power for the Alcan smelter at Kitimat.

Originally developing from its headwaters in the Coast Mountains and flowing east, the Nechako was once the most important tributary of the Fraser River. The name of the Nechako River is taken from the Dakelh word, Necha-Koh, meaning "river in the distance." However, the dam not only led to extensive flooding of Dakelh lands, but also ensured the majority of the 'distant' waters never arrived as it reduced the Nechako's eastward flow by 75 per cent.

The reduction in flow made the Nechako River far more susceptible to fluctuations in river temperatures, affecting the viability of fish in the river. Salmon stocks are down, and the Nechako white sturgeon, a genetically unique species in the area, is seriously endangered. According to David Luggi, tribal chief of the Carrier Sekani Tribal Council, "only 400 are left today, down from roughly 4,000 in the '60s."

While the Carrier Sekani traditionally harvested fish for food, social, and ceremonial uses throughout the year, they have self-imposed restrictions to attempt to conserve particular salmon stocks and the white sturgeon. But they fear the potential impacts of the proposed pipeline on vulnerable fish stocks.

Even the relatively minor impacts of water temperature increases from clearing vegetation at pipeline river crossings could further endanger the survival of these fish, although the biggest concern surrounds the potential for a spill. As pipelines are not invincible, Luggi states, "it is only a matter of time before a rupture occurs." According to a National Energy Board report, there is an average of one rupture every 16 years for every 1,000 kilometres of pipeline in Canada.

Serving to punctuate this point, just prior to the beginning of the Joint Review Panel process for the Northern Gateway proposal, a breach in another Enbridge

pipeline in Michigan's Kalamazoo county released an estimated three million litres of oil. Despite Enbridge's claims to instantaneous response and infallible monitoring, it took 18 hours after the alarms were first triggered for the spill to be located – not by Enbridge employees, but by locals.

Compared to much of the proposed Northern Gateway route, Michigan is relatively even terrain and far more pop-

endorsed so far as it coincided Canadian policies and law. As Carrier Sekani vice-chief, Terry Tegee, describes, "basically, they act like their processes trump international law."

But the Carrier Sekani assert otherwise, vehemently defending the terms of the UN Declaration and asserting their power to determine what happens on their territories. The Carrier Sekani Tribal Council and its member

Impacted communities, however, are making connections. Carrier Sekani communities are working in concert with First Nations directly impacted by the tar sands. They are also making linkages with First Nations communities downstream from the pipeline and along the coast who would be impacted by potential leaks. On December 2, 2010, 61 First Nations, including the majority of the First Nations in the

The federal review process fails to ask crucial questions about the expansion of the climatic catastrophe that is the Alberta tar sands. A recent Pembina Institute report indicates that approval of the Northern Gateway and Keystone pipelines would create the infrastructure for a 41 per cent increase in the tar sands, one of the world's dirtiest energy sources.

ulous. What happens when the break is in a remote, mountainous region, where the pipeline could be buried beneath five feet of snow? Mountainous terrain makes the line not only inaccessible, but also raises the risk of a landslide rupturing the line. The environmental and cultural consequences of such a spill would be devastating.

After the Northern Gateway project was first proposed in 2005, the Carrier Sekani conducted research with elders in their communities to discuss the potential impacts. "It's our culture right there," explains elder Donald Prince from the Dakelh community of Nak'azdli in their published study. "Our history, way of life, culture and traditions are going to go floating down that river with the oil. We can't just stop and say 'I guess we'll try a different way of life now.' We've been doing this for centuries."

Rubber stamp approval

The UN Declaration on the Rights of Indigenous Peoples speaks of the necessity of attaining free, prior and informed consent from First Nations for a project that significantly impacts their rights and title. Beyond simply suggesting mitigation strategies, the Carrier Sekani Tribal Council wants the government to recognize their right to say no to developments that undermine their territories and culture. Canada recently endorsed the declaration, but added the proviso that it was only being

communities are boycotting the federal Joint Review Panel process, refusing to participate in what Tribal Chief Luggi asserts is a "rubber stamp approval process." On the basis that the federally appointed Joint Review Panel "has no mandate to address Aboriginal title and rights and fails to meet international standards," Vice-Chief Tegee argues the federal regulators need to conduct a community-led review process grounded in internationally recognized Indigenous rights.

They also press that the review process must address the broader cumulative impacts of development, another key gap in the governing federal process. Currently, the government review of the pipeline is disconnected from an examination of the legacy of earlier energy developments, such as the Kenney Dam and the Alcan smelter.

The federal review also fails to ask crucial questions about the expansion of the climatic catastrophe that is the Alberta tar sands. A recent Pembina Institute report indicates that approval of the Northern Gateway and Keystone pipelines would create the infrastructure for a 41 per cent increase in the tar sands, one of the world's dirtiest energy sources. But for the government, these upstream impacts and climatic concerns are out of scope, as are the downstream watershed impacts. Instead, the focus is limited to impacts along the pipeline corridor.

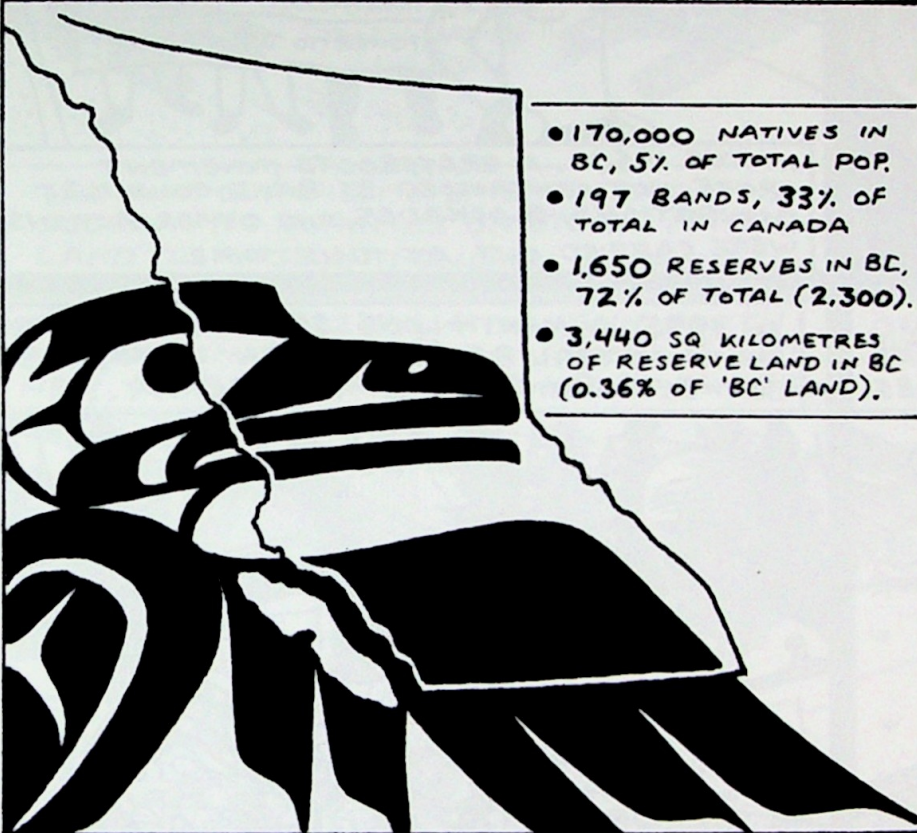
Fraser watershed, co-signed a declaration that the Northern Gateway pipeline is not allowed in their territories according to their ancestral laws.

"Our lands and waters are not for sale, not at any price," said Chief Larry Nooski of Nadleh Whut'en First Nation, a Dakelh community signatory to the declaration. When his community gathered in April 2008, Nooski described the outcome as a consensus: "We don't want to have anything to do with the Enbridge pipeline through our territory." Nadleh Whut'en concerns about the salmon resonated with other communities, and the common need to protect the waters transcended cultural differences and old rivalries as communities banded together against "the risk of oil spills for decades to come."

Dakelh communities are forging alliances to develop a multi-pronged approach to defending their lands. Their declaration served as but one in a series of actions designed to place pressure on Enbridge and its shareholders, and demonstrate that without First Nations' consent this project is not viable. First Nations are also linking with networks of environmental activists to take the fight to banks like RBC that are underwriting tar sands and pipeline development. "We have not relinquished our powers to protect our lands for future generations," said Carrier Sekani Tribal Chief David Luggi. "We will continue to fight and stop this project." **b**

AN ANTI-COLONIAL HISTORY OF 'BRITISH COLUMBIA'

'BRITISH COLUMBIA' IS UNIQUE IN CANADA BOTH FOR THE LARGE NUMBER OF INDIGENOUS NATIONS AND THE PROVINCE'S LACK OF TREATIES.



- 170,000 NATIVES IN BC, 5% OF TOTAL POP.
- 197 BANDS, 33% OF TOTAL IN CANADA
- 1,650 RESERVES IN BC, 72% OF TOTAL (2,300).
- 3,440 SQ KILOMETRES OF RESERVE LAND IN BC (0.36% OF 'BC' LAND).

ACCORDING TO THE 1763 ROYAL PROCLAMATION, ISSUED BY THE BRITISH AFTER DEFEATING FRANCE, NO TRADE OR SETTLEMENT COULD OCCUR IN INDIGENOUS TERRITORY WITHOUT TREATIES.

THE BRITISH ADHERED TO THE PROCLAMATION IN MOST OF THEIR WESTERN EXPANSION, RESULTING IN THE 'NUMBERED TREATIES'.



IN THE LATE 1700S THE FIRST EUROPEAN SHIPS ARRIVED ON THE COAST. THE FUR TRADE, PUNCTUATED BY ATTACKS ON SHIPS + FORTS, DOMINATED EUROPEAN CONCERNS IN THE REGION.

IN 1849, VANCOUVER ISLAND BECAME A BRITISH COLONY UNDER THE CONTROL OF THE HUDSON'S BAY COMPANY (HBC).



AT FIRST, THE HBC MADE SEVERAL SMALL TREATIES, KNOWN AS THE 'DOUGLAS TREATIES' (AFTER HBC GOVERNOR J. DOUGLAS).

AS THE COLONY EXPANDED, TREATIES WERE IGNORED. IN 1875 THE BC LANDS ACT WAS PASSED TO OPEN LAND FOR SETTLERS.



OTTAWA STRUCK DOWN THE ACT, CITING THE LACK OF TREATIES. BC THREATENED TO WITHDRAW FROM CANADA. THE 1876 INDIAN ACT IMPOSED CONTROL OVER ALL NATIVES, 'SOLVING' THE PROBLEM OF JURISDICTION.

LIKE OTHER REGIONS, NATIVES IN BC WERE FORCED ONTO RESERVES, HAD BAND COUNCILS IMPOSED, AND CHILDREN PLACED IN RESIDENTIAL SCHOOLS (WHERE MANY SUFFERED ABUSE).



NATIVES IN BC CONTINUED TO PROTEST THE THEFT OF THEIR LANDS, AND IN 1927 LAND CLAIMS WERE BANNED BY THE INDIAN ACT.



IN THE 1960S, A GRASSROOTS MOVEMENT AROSE, NOT CONTROLLED BY BAND COUNCILS. OCCUPATIONS, BLOCKADES, AND OTHER ACTIONS WERE CARRIED OUT AT THIS TIME.

THE 1990 'OKA CRISIS' SAW SOLIDARITY ACTIONS ACROSS THE COUNTRY. BC SAW THE LARGEST NUMBER OF ROAD + RAIL BLOCKADES.



SHORTLY AFTER, THE 'BC TREATY PROCESS' WAS BEGUN IN AN EFFORT TO LEGITIMIZE THE PRIOR THEFT OF NATIVE LAND.

INSPIRED BY THE 1995 STANDOFF, A VANCOUVER CHAPTER OF THE NATIVE YOUTH MOVEMENT WAS ESTABLISHED...



NYM OCCUPIED THE OFFICES OF THE BC TREATY COMMISSION IN 1997 AND AGAIN IN 1998, ALONG WITH OTHER DIRECT ACTIONS.

IN 1995, A MONTH-LONG SIEGE OCCURRED IN SOUTH-CENTRAL BC (GUSTAFSEN LAKE) BETWEEN NATIVES AND 450 RCMP...



THE NATIVE CAMP BASED THEIR DEFENSE ON THE SOVEREIGNTY OF NATIVE LANDS IN BC, INCLUDING THE 1763 PROCLAMATION.

IN 2000, THE MAIN NATIVE STRUGGLES IN BC WERE AGAINST SKI RESORTS. AT SUTIKALH-NORTH OF MT. CURRIE, A CAMP STOPPED A PROPOSED SKI RESORT.



AT THE SUN PEAKS RESORT NEAR KAMLOOPS, SECWEPENC PEOPLE RESISTED ITS EXPANSION OVER MANY YEARS WITH SCORES ARRESTED.

IN 2007, ELDER HARRIET NAHANEE DIED AFTER 2 WEEKS IN JAIL FOR BLOCKADING HIGHWAY EXPANSION FOR THE 2010 OLYMPICS.



THE ANTI-OLYMPIC MOVEMENT USED THE SLOGAN 'NO OLYMPIES ON STOLEN NATIVE LAND' TO RAISE ANTI-COLONIAL AWARENESS.

MINING: SINCE 2001, MINING IN NORTH BC HAS INCREASED DRAMATICALLY, WITH NEW GOLD, SILVER, COPPER + COAL MINES.



IN 2005-06, THE TAHLTAN HELD SEVERAL BLOCKADES AGAINST MINE PROJECTS. IN 2010, THE CHILCOTIN STOPPED A PLANNED GOLD MINE AT FISH LAKE.

URBAN AREAS: OVER 50% OF NATIVES LIVE IN CITIES, WHERE THEY FACE POVERTY, HOMELESSNESS, AND POLICE VIOLENCE.



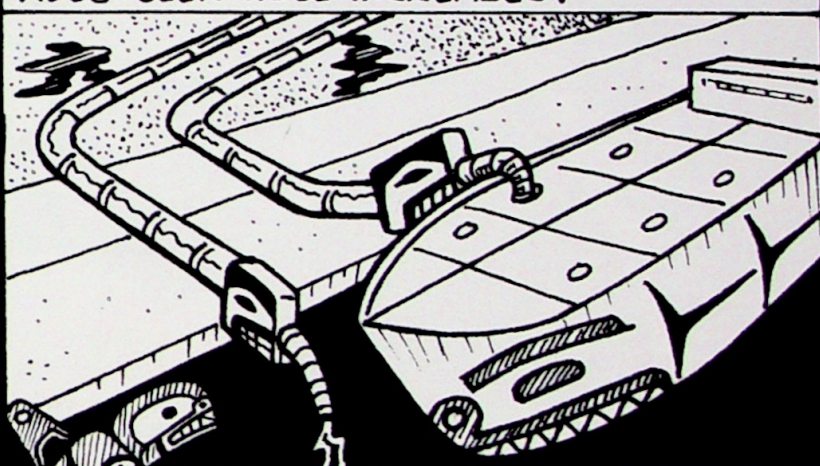
ALTHO' 5% OF THE POPULATION, NATIVES MAKE UP OVER 30% OF THE HOMELESS IN VANCOUVER'S DOWNTOWN EASTSIDE.

TODAY, NATIVES IN BC CONTINUE TO DEFEND LAND + PEOPLE ON MANY FRONTS.



SALMON: DEVASTATED BY INDUSTRY AND FISH FARMS, SALMON STOCKS HAVE BEEN GREATLY REDUCED.

OIL + GAS: INCLUDING PIPELINES FROM THE TAR SANDS IN ALBERTA, OIL + GAS HAS ALSO SEEN HUGE INCREASES.



THIS INCLUDES NEW PORT FACILITIES IN PRINCE RUPERT TO SHIP GAS. MANY NORTHERN COMMUNITIES ARE OPPOSED TO OIL + GAS.

PERHAPS MOST DISTURBING ARE THE LARGE NUMBER OF MISSING/MURDERED WOMEN FROM VANCOUVER AND ON HIGHWAY 16...



YET ALL THESE OPPRESSED CONDITIONS RESULT FROM COLONIZATION - AS DOES THE RESISTANCE - GENERATION AFTER GENERATION...UNTIL:

THE END!



Reconciliation on Trial

Child welfare advocates seek justice for Aboriginal families

By Angela Sterritt

Nearly three years after Stephen Harper's historic apology to residential school survivors, Canada's iniquitous treatment of Indigenous children lives on. With over 27,000 First Nations children currently in foster care, there are more than three times as many Indigenous youth in state care than at the height of the residential school era in the 1940s.

"Reconciliation means not saying sorry twice," said Cindy Blackstock, executive director of First Nations Child and Family Caring Society of Canada, in a telephone interview with *Briarpatch*. "We are just asking that these kids be treated equitably, and Canada won't."

In 2007, Blackstock's organization, along with the Assembly of First Nations (AFN), filed a Canadian Human Rights Commission (CHRC) complaint against the Canadian government for its discriminatory provision of child welfare services to First Nations children and families living on reserve.

According to evidence presented in the tribunal, while First Nations children in care are grossly overrepresented, they receive 22 per cent less child welfare funds than kids on the other side of the street.

First Nations children account for 30 to 40 per cent of all children in care, despite the fact that Aboriginal people make up only 4 per cent of the population in Canada. Yet Indian and Northern Affairs Canada (INAC) continues to provide no national funding to First Nations organizations for child and family services.

A grim situation on reserve

The dismal level of services on reserves in Canada is no secret. More than 3,000 households on reserves are without running water, and nearly

half of all homes require major repairs due to mould or poor construction. Over a hundred boil-water alerts are currently in effect across First Nations communities, some dating back as far as 13 years. In this context, a lack of child welfare services in First Nations communities comes as no surprise.

"While we were looking after my nephew on reserve, we received no funds, no support and no attention from the government whatsoever," said Warner Naziel of the Wet'suwet'en Nation. "Yet when the boy was moved to a home off reserve, the money poured in," he said.

Naziel, a research consultant on the Moricetown reserve, had no previous first-hand experience with the child welfare system on reserve, and was stunned by the reality check he received after assuming care of his nephew.

"When we sought support, the ministry worker told me that since [my nephew] was kith and kin and now on reserve, I had to go to the social assistance worker at my local band office. I went there and all she said I would receive was about \$200 for the month for him. Because of Antonio's behavioural issues he needed professional psychological attention. The Ministry [of Child and Family Development] told me that I had to see our band office for assistance. We don't have professional or trained trauma help on our reserve. We went without. Eventually, my sister took him in and had to fight tooth and nail with the ministry for any kind of help at all."

The current federal funding regime on reserve focuses on "protection" – child apprehension, foster homes and institutional care, rather than prevention or family supports and in-home services for Aboriginal parents. This

system encourages agencies to remove Aboriginal children from their parental homes instead of strengthening the support necessary to enable children to stay with their families in their cultural community.

"The absence of these services is a major reason why so many First Nation children are in care," states the official Assembly of First Nations website.

According to Preston Guno, a Nisga'a man and manager at Walk Tall, an Aboriginal youth organization in Prince George, B.C., "It appears that there is very little in the area of 'child and family development' and much more response in the area of bringing children in care when preventive supports could have averted this."

Certainly, the facts clearly indicate that prevention services on reserve have not been prioritized by Canada. Approximately 5.8 per cent of First Nations children living on reserve are in care out of their parental homes, in comparison to the Canadian average of 0.8 per cent.

The legacy lives on

A clear pattern of racism surfaces with a quick look at Aboriginal child welfare on reserve in Canada. The situation reflects a paternalistic and colonial prototype of dealing with First Nations children as wards of the state, and bears striking similarities to Canada's treatment of Aboriginal children in the Residential School System.

As residential schools were phased out (the last one closing down in 1996), the child welfare system became the new agent of assimilation and colonization. Beginning in the 1950s, swaths of Aboriginal children were taken from their families and handed over to white, middle-class parents. This practice

While Aboriginal people make up only 4 per cent of the population in Canada, First Nations children account for 30 to 40 per cent of all children in the foster care system.

accelerated in what came to be known as the "Sixties Scoop," and was informed by a belief in the inherent superiority of the European way of life.

By the late 1970s, as many as one in three status Indian or Métis children (not including non-status Indians) were removed from their homes. In some provinces, one in two spent their childhood as a permanent ward of the government, many of whom were adopted into white homes. While the practice of mass apprehensions was discontinued in the mid-1980s, the transfer of Indigenous children from their homes and communities to state care continues in other forms.

Like residential school survivors, children growing up in foster care suffer cultural dislocation in addition to high rates of physical, emotional and sexual abuse. The multi-generational effects of this trauma, including poor parenting skills, have exacted a high toll on Aboriginal families.

Despite this, the Canadian Incidence Study of Reported Child Abuse and Neglect shows that First Nations children are put in care largely due to neglect driven by poverty, poor housing, substance misuse, and inequitable services – all of which could be addressed with improved services, but are not.

According to Preston Guno, the ethnocentric logic that traditionally guided the apprehension of Indigenous children continues to inform the foster care system in other ways as well.

"The primary role of extended family such as grandparents, aunts and uncles

as primary caregivers has historically been how Aboriginal families lived, but this Eurocentric-driven system often views this approach as parents neglecting their roles and responsibilities as parents – therefore they will attract the attention of the child welfare system," Guno told *Briarpatch*.

Who is to blame?

In British Columbia, debate surrounding Aboriginal child protection has increased following a number of recent controversies, including the death of a toddler in state care. Even the province has recognized the desperate state of child welfare services in First Nations communities, and requested a meeting last year with then-INAC minister Chuck Strahl to address the inequitable treatment of Aboriginal children in care on reserve.

In a letter to the B.C. ministers of Children and Family Development and of Aboriginal Relations and Reconciliation, Strahl declined their invitation, stating that he would "not be available to meet with you in the near future."

The letter continued, "I appreciate and share your concerns for the equitable treatment of children on reserve to those living off reserve. While the British Columbia Enhanced Prevention Services Model and Accountability Framework will not be funded at this time, it is still under consideration for the next fiscal year."

The letter also outlined a commitment to Jordan's Principle, a model that calls

on the government of first contact to pay for services for a child when jurisdictional disputes arise between federal and provincial or territorial governments.

The principle is based on the experience of Jordan River Anderson, a two-year-old boy of Norway House Cree Nation. Jordan spent over two years in hospital unnecessarily, as the Province of Manitoba and the Government of Canada could not agree on who should pay for his care when he was well enough to go home.

Tragically, at the age of five, Jordan River Anderson passed away, never having spent a day in a family home, while governments continued to argue.

While the federal government provides lip service to Jordan's Principle, it has narrowed the interpretation of this code to apply only to children with complex medical needs who require multiple service providers.

"We find it out of step with Jordan's Principle, and quite frankly a bit distasteful, [to] take the important memory of a child and reframe it as a narrow principle of equality," Cindy Blackstock commented at the 40th session of the Standing Committee on Aboriginal Affairs and Northern Development.

In January, an INAC representative told *Briarpatch*, "We are working towards an enhanced framework and implementing Jordan's Principle in all jurisdictions, and we are aiming for this to be complete by 2013."

But according to Blackstock, the Auditor General of Canada has already found INAC's "enhanced" approach to be flawed and inequitable. "They continue to shop it around as the exclusive option without having addressed its flaws," she said.

In response to the human rights complaint filed by Blackstock and the Assembly of First Nations, INAC has argued that if there is indeed disparity in the delivery of services, accountability rests with local child welfare agencies and not INAC.

"INAC's argument has broad implications for First Nations service delivery as a whole as [INAC] chronically

underfunds many services on reserves, such as policing and housing," said Blackstock. "If it is successful in saying it cannot be held accountable, as it is not a front-line service organization, then that basically off-loads federal responsibility for discrimination to First Nations," Blackstock told *Briarpatch*.

Moving Forward

Unquestionably, a lot needs to happen in order for Aboriginal children to access fair treatment in Canada. Today, First Nations youth are the fastest-growing demographic in the country. And some of those youth see that changes to child welfare are still slow-moving.

Stuart Panko, an Anishinabe youth, spent most of his childhood in care. By age seven he had lived in 22 different foster homes before finding a First Nations foster family that accepted him as one of their own.

"No question, in my personal experi-

ence of growing up in the system, I would have been better off if I wasn't put in foster homes where I was getting abused by my caregivers physically and emotionally," says Panko. "If my mother had been given the supports she needed, my life may have been different," he said.

But Panko also sees that there is room for change. "The need for more positive male role models and keeping the connection to biological family, territory and culture is key," he says.

February 2011 marked the fourth anniversary since Blackstock and the AFN filed the complaint with the Human Rights Commission in 2007. Canada motioned to have the case dismissed in December 2007, but the tribunal has not yet issued its decision, despite a CHRC requirement that rulings on the merit of a given complaint be issued within a four-month period.

Since the First Nations Child and Family Caring Society of Canada and the

AFN filed the human rights complaint in 2007, all of the Society's federal funding has been cut.

But Canada's leading First Nations child welfare advocate remains optimistic.

"With over 7,000 people and organizations committed to following the tribunal, the case is one of the most formally watched legal actions in Canadian history, and has the potential to set a precedent of equity across all services on reserves," Blackstock said.

"For First Nations children, a ruling that Canada must rectify the discrimination would offer up more opportunity to stay safely with their families and communities, and to experience equitable government funding in areas like education and health, which are also underfunded on reserves. For Canadians, it would be a time to finally turn the page on the long-standing harmful treatment of First Nations children." ☐



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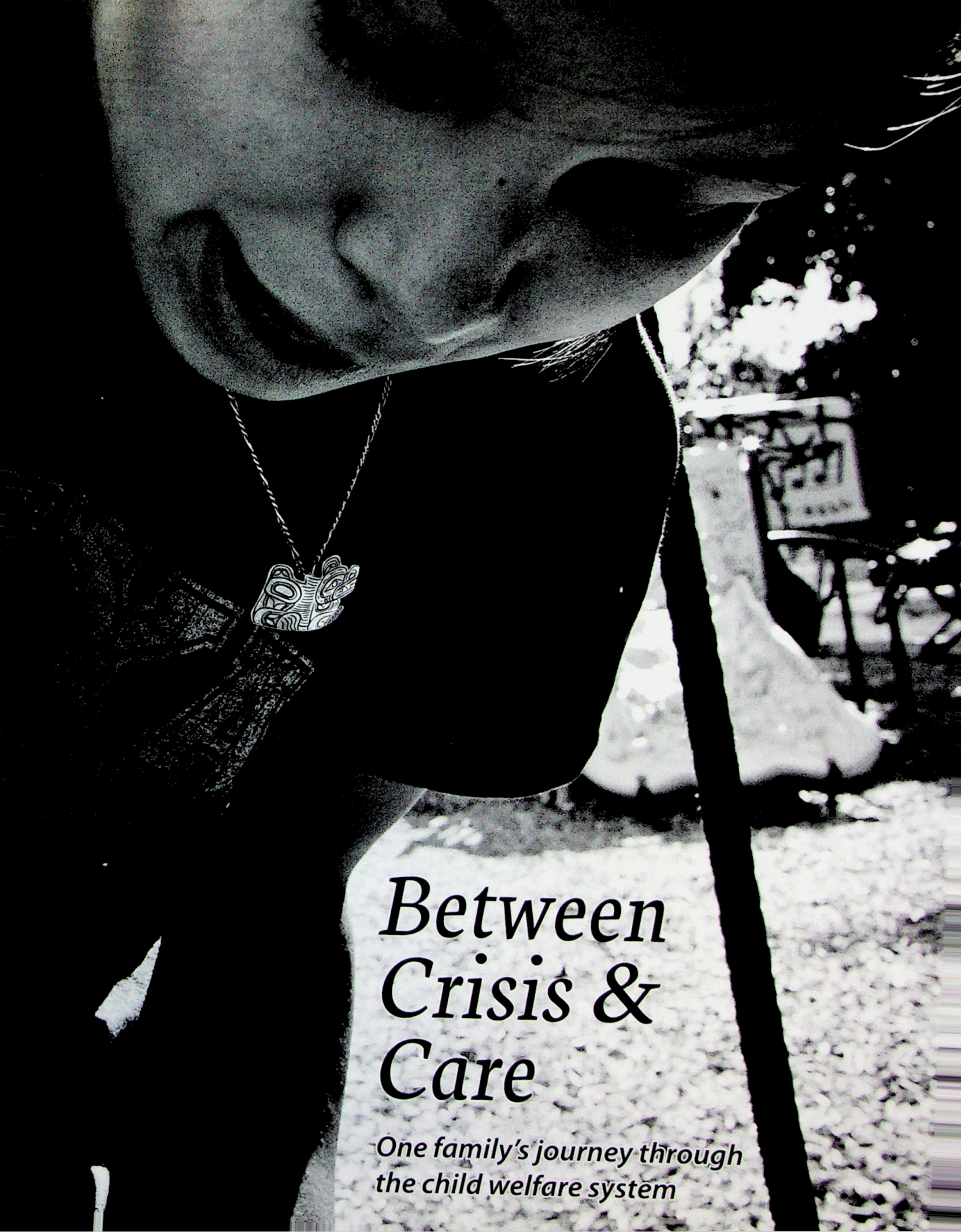
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Between Crisis & Care

*One family's journey through
the child welfare system*

words and photos

BY JONATHAN TAGGART

Speaking in Ottawa in 2008, Prime Minister Stephen Harper addressed a gathering of residential school survivors, extending an official apology for the policy and acknowledging the harm it caused:

"Two primary objectives of the Residential Schools system were to remove and isolate children from the influence of their homes, families, traditions and cultures, and to assimilate them into the dominant culture. These objectives were based on the assumption Aboriginal cultures and spiritual beliefs were inferior and unequal. . . . There is no place in Canada for the attitudes that inspired the Indian Residential School system to ever prevail again."

At the time of Harper's apology, there were more Indigenous children in state care than at the height of the residential school era. In British Columbia in 2010, more than half of the children in the charge of the Ministry of Children and Family Development were recognized as having Aboriginal status – a figure that appears to leave non-status Aboriginal children unaccounted for.

In the winter of 2009, Drake and Jowje were expecting their third child. An Aboriginal couple in their early twenties, Drake was working construction whenever work was available while Jowje cared for their two boys – Hunter, age three, and Toby, eight months. Lucy was born in the spring. Shortly thereafter, under the strain of failed attempts to find an adequate home for three children on one income – even in the relative affordability of Vancouver's Downtown Eastside – Drake and Jowje opted to put Lucy and Hunter into temporary foster care.

The choice was a difficult one: while temporary care offered opportunities for visitation, it would be at least six months before they would have the option of reuniting their family under improved living conditions. The parents, with Toby, spent the next few months transitioning through a series of shelters, mouldy apartments, and the crowded homes of relatives while they continued their search for a suitable place to live. Then, when authorities found Toby in the house of a neighbour after being abandoned by a babysitter, he too was seized and placed into foster care.







“We now recognize that, in separating children from their families, we undermined the ability of many to adequately parent their own children and sowed the seeds for generations to follow, and we apologize for having done this. . . . as you became parents, you were powerless to protect your own children from suffering the same experience, and for this we are sorry.”

—STEPHEN HARPER, 2008

The intergenerational effects of foster care have been likened to those of residential schools as those growing up in care often lack role models and the supportive environment of community. Instead, many grow up in institutions, or worse, between institutions, bouncing between temporary homes until they age out of the system — a traumatic emancipation many are ill-prepared for.

In some instances, the foster care system offers an important reprieve, a temporary support for parents attempting to get back on their feet, a stepping stone to a safe and healthy family. In far more cases, it is a violent upheaval of families, a punishment of parents and children alike for their systemic impoverishment, and a break in family bonds with lifelong



consequences. Instances of abuse and neglect in care rival those cited as reasons for induction into care, and with inadequate resources (some say attention), the system is poorly policed. Drake is reluctant to speak about his experiences in foster care before coming of age. "It wasn't the best," he says, gazing at the cup of coffee warming his hands in a Hastings Street café.

Far from a holistic approach to child welfare, the foster care system fails to address the root causes of neglect that lead to apprehension, favouring the removal of children to the implementation of measures to support families. At the opposite end of the system, the lack of support for foster caregivers is belied by the demand for third-party life skills

classes for youth in care. Support is also lacking for parents of children in voluntary care, and the system of visitation, while considered a privilege, is evidence of a lack of flexibility and insight into the needs of those it should serve. Drake and Jowje are allowed to see their children twice a week between 10 a.m. and 3 p.m., making it nearly impossible to maintain both a stable working life and the thinning bonds of family.

Despite Harper's official reproach of the devaluation of Aboriginal traditions during the era of residential schools, decisions over what constitute sound parenting practices are still being made largely along lines of class and culture. The overwhelming majority of Aboriginal foster children end up in non-Aboriginal households.





Unlike many parents in their position, Drake and Jowje still have the possibility of reuniting their family, and not just during afternoons spent in parks and on seawalls for lack of a home for visitations. Their reunification hinges on securing suitable housing, and securing housing hinges on navigating B.C. Housing and the social work bureaucracy. Countless case reviews and move-in date promises have taken a toll on Hunter, who is just beginning to understand the timelines his parents are being asked to believe, and are understandably eager to share with their children.

"He's starting to get frustrated because we're telling him that we're going to be moving into a house and that we'll be getting them back soon," says Drake. "We keep telling him we're going to get a place soon, by this day, and then when that day comes . . . we don't have a house."

While Drake and Jowje continue to build a supportive environment in the absence of their children, the possibility of reuniting their family is thinning as, in time, even those children in voluntary care are absorbed permanently by the ministry. To regain their children, these parents must now race one ministerial silo against another, and both against the cognitive development of their young family. It is a race in which the stakes are high and the handicap is one of class and culture. ⑤



All names in this essay have been changed at the request of the family.



Fracturing Solidarity

The Canadian Boreal Forest Agreement in Context

By Dawn Paley

Will a backroom deal that undermines Indigenous rights and title become a model for collaboration between industry and the environmental movement in Canada?

When representatives from environmental organizations took the stage last May together with logging industry groups to promote what they billed as a new deal to protect Canada's boreal forest, the announcement came as a surprise to Indigenous peoples across the country. The 72 million hectares encompassed by the deal, known as the Canadian Boreal Forest Agreement (CBFA), is overwhelmingly treaty and traditional First Nations' territory, yet Indigenous people were left entirely in the dark throughout the negotiation process. According to one Indigenous

organizer, his people were "blindsided" by the agreement.

Industry groups, like the Forest Products Association of Canada (FPAC), and environmental non-governmental organizations (ENGOS) touted the Canadian Boreal Forest Agreement as an unprecedented agreement to protect caribou habitat across Canada. Although they were never provided the full text of the agreement in the original press release, the mass media lavished praise on the CBFA, with few exceptions.

At the same time, a copy of the full agreement was leaked to the alternative

press, revealing that while the agreement claims to suspend logging in 29 million hectares of woodland caribou habitat, industry planned to log only a very small portion of this total area within the three years covered by the agreement. In exchange for “deferring” logging in a patchwork of forest totalling 72,205 hectares, the CBFA provides a green light for FPAC companies to continue to log 684,461 hectares of boreal forest – roughly nine times what is slated to be protected by the agreement in real terms. It also mandates that the environmental groups who have signed on to the agreement – which include Greenpeace, ForestEthics, the Canadian Boreal Initiative, Canadian Parks and Wilderness Society, and the David Suzuki Foundation, among others – must drop their campaigns against FPAC members and remove evidence of such campaigns from their websites. If you search the Greenpeace website for archival information on the struggle at Grassy Narrows against clear-cut logging on traditional Anishinabe territory, for example, you’ll find a pop-up ad blocking the content of the website, indicating that all boycott campaigns directed against FPAC members have been suspended in light of the Boreal Forest Agreement.

The CBFA is a new incarnation of an age-old tradition of environmental and corporate deal-making in which Indigenous peoples are the last to learn of agreements and projects in their own territories.

“I’ve always been concerned about environmental groups,” said Russell Diabo, a Mohawk activist and advocate for Indigenous rights over the past 30 years. “I’ve watched environmental organizations from the animal rights movement, the anti-trapping movement and that, totally ignore Indigenous rights, through to in British Columbia where they have tried to take over [Indigenous] campaigns.”

For Diabo and others, the CBFA is just the latest manifestation of this kind of behaviour.

“It’s showing industry how to make Native people the last to know,” said Mel Bazil of the Wet’suwet’en and Gitksan

nations. “That’s the real issue behind all this for me: make the Native people the last to know and you’ll get what you want eventually.”

Ten months on, backlash against the CBFA has spread across the country. Resistance to the agreement shares a fundamental rejection of backroom

“The CBFA has resulted in an immense fracturing, not only in the ENGO sector, but also among First Nations.”

decision-making regarding First Nations lands, but varies in character from region to region.

Some groups, including the Indigenous Environmental Network (IEN), condemned the CBFA immediately after the agreement was announced.

“When the CBFA dropped, the IEN came out highly critical of the agreement, and highly critical of the process,” IEN’s Clayton Thomas-Muller told *Briarpatch*. “We had a lot of criticisms around transparency, around accountability and around the legality of the actual agreement between the forestry sector and ENGOs.”

Others, like Harry St-Denis from the Wolf Lake Algonquin Nation, wrote that the CBFA is “the best recent example of our rights being ignored.” In September, St-Denis successfully moved a motion at the Assembly of First Nations of Quebec and Labrador that, among other things, commits member groups to a technical review of the agreement and prevents member nations from attending any national meetings about the CBFA until their review is complete.

Part of the impetus for St-Denis’ intervention against the CBFA may also have to do with his nation’s access to the emerging carbon market. In July, he proposed a draft resolution to the Assembly of First Nations directing the organization to advocate for a First Nations-specific carbon offset fund to

help First Nations capitalize on carbon trading mechanisms, including proposed cap-and-trade legislation.

“I know there’s a big debate about whether carbon trading is a wise thing to do in terms of climate change,” said Diabo. “But the position of the Wolf Lake First Nation, who I work for, is that if there is any benefit, it should accrue to them and not to the logging companies as part of their tenure or to the governments.”

While the CBFA doesn’t deal directly with emissions offsets, critics insist that it sets up a framework that can be used as a guide for an offsetting scheme in the boreal forest.

Fallout in the forest?

Perhaps the most tangible outcome of the CBFA thus far is the division it has created, not only between ENGOs and Indigenous communities, but also among Indigenous groups and organizations across the country.

“I think that, if anything, the CBFA has resulted in an immense fracturing, not only in the ENGO sector, but also among First Nations,” said Thomas-Muller. The attempt by a B.C. tribal council to host a national meeting to discuss how First Nations can benefit from a deal like the CBFA is proof of how this has played out since the agreement was announced.

“We got up and started raising the issue of how these agreements can be valid when no organization knocked on any First Nation’s door,” Carrier Sekani Tribal Council (CSTC) Chief David Luggi told *Briarpatch*. “As a result, Dr. Suzuki came up here in early July and provided us with a written apology for not including us.”

In October, CSTC called for a national meeting of First Nations in Prince George to discuss the future of the deal. “Some have misconstrued that we are wanting to be party to the existing agreement,” said Luggi. “That is not correct. All we wanted to do is open the door here, see what happens, and see what we can do for our people in terms of protection.”

Luggi admits that the meeting failed to attract First Nations on a national

level, and was instead a meeting where "several First Nations" discussed the deal. The meeting in Prince George was boycotted by various nations, especially those from Quebec, but included the participation of advocates of the CBFA, including Larry Innes from the controversial Canadian Boreal Initiative (CBI), which is playing an increasingly important behind-the-scenes role in environmental circles.

The CBI, together with the Pew Environment Group's International Boreal Conservation Campaign, were major backers of getting the CBFA off the ground. Neither of these groups exist as legal entities in either Canada or the United States, but are instead front groups of a multi-billion dollar charitable foundation – Pew Charitable Trusts – with a long history of establishing ostensibly environmental organizations to pursue its industry-friendly agenda.

Since the CBI does not exist as a legal entity in Canada, it cannot issue cheques or even run a payroll for its employees. Consequently, funds for the meeting in Prince George were funnelled to the CSTC through a donation by Ducks Unlimited to the First Nations Energy and Mining Council of British Columbia.

"We've done work with the CBI, with Larry Innes, and it's just a simple meeting that we kinda helped coordinate with Carrier Sekani Tribal Council," said Joanna Prince, from the First Nations Energy and Mining Council of British Columbia, who co-hosted the October meeting in Prince George. "So we have a working relationship with him, and he just asked if we could help coordinate the meeting."

In following the money, it is crystal clear that it wasn't the CSTC alone who had an interest in convening an after-the-fact national meeting of First Nations to discuss the CBFA. Instead, it was Innes and other CBFA signatories who facilitated funding the meeting.

"I think that the proponents of this agreement have been working overtime to try and do damage control on some of these very divisive scenarios that are playing out," said Thomas-Muller. "There are some very real divisions in

terms of the legality of this agreement, and questions about whether it violates existing case law precedents in this country around the duty to consult."

These divisions may be considered a by-product of an agreement like the CBFA, but they are also a hallmark of mainstream environmentalism in Canada.

"In a lot of ways, I find the environmental groups are using Indigenous peoples," Diabo told *Briarpatch*. "They're saying, 'Oh these people need capacity building, they're ignorant, they don't have any understanding of science, that's why you need to fund us, so that we can train them, work with them.' They're using [Indigenous peoples] to get money from foundations and other sources, based on these arguments, which I find very ethnocentric, if not racist."

Since the CBFA was announced in May, the mainstream press has paid little attention to the fallout among Indigenous communities and grassroots environmental activists. The media has, however, picked up on an openness among tar sands operators to negotiate a similar deal for their sector.

An agreement of this nature cannot be ruled out. In an interview with the Vancouver Media Co-op on the day the CBFA was announced, Steve Kallick, who is the boreal conservation campaigner for the Pew Environment Group, said that his organization would be open to looking to other industries for similar agreements. "They're not within the four corners of this agreement, but we would love to have similar talks with the oil and gas industry and also with the mining industry as well," said Kallick.

But according to Diabo, questioning the model of foundation-funded environmentalists is just the first step in moving towards an anti-colonial environmentalism.

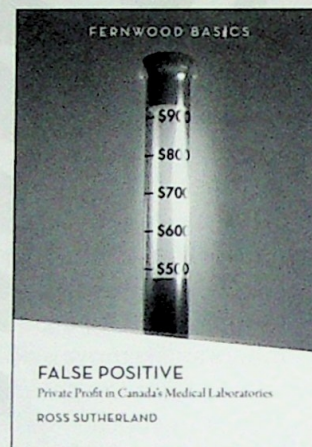
"I think complaining about it is not enough. I think we have to organize a campaign of Indigenous peoples and go after these foundations and the sources of funding," said Diabo. "I think we need to challenge these foundations and say, 'What are you doing? You're violating international law here.'" ❶

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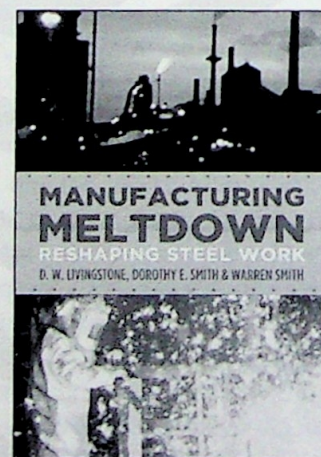
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Criminal (in)justice

State violence and the criminalization of Indigenous women in Canada

An interview with Gillian Balfour

By Robyn Maynard

*Gillian Balfour is the author of two important books addressing racism and incarceration in Canada, including *Criminalizing Women: Gender and (In)Justice in Neo-Liberal Times*, which she co-edited with Dr. Elizabeth Comack. She is an associate professor in sociology at Trent University in Peterborough, Ontario, specializing in areas of violence against women and the incarceration of Indigenous women in Canada.*

Indigenous women are vastly overrepresented in the prison system in Canada, particularly in the prairie provinces. Could you discuss the reasons behind this?

It is absolutely critical to connect the over-incarceration of Indigenous women back to the issue of missing and murdered women in Canada. Incarceration is a form of state violence against Indigenous women that needs to be placed on a continuum along with the high rates of interpersonal violence against women, and the horrific violence against Indigenous women who have gone missing or been murdered.

Numerous feminist historians and legal scholars have pointed to how criminalization has become the new manifestation of colonialism, and specifically, how the correctional system has become the new residential school system – particularly for Indigenous women.

If we're looking at the prairie provinces, anywhere between 70 and 80 per cent of the female prison population is Indigenous. It's a gross overrepresentation, from about 10 per cent of the general population.

We are asking questions as to why legal reforms, especially in the area of sentencing, have failed Indigenous women so desperately. For example, the Criminal Code of Canada allows for special consideration of Indigenous experiences of colonialism such as cultural dislocation, family breakdown, residential schools and substance abuse. But Indigenous women have not benefited from these sentencing provisions. Most Indigenous women are criminalized and punished for serious personal injury offenses resulting from conditions of endangerment in their own communities. However, the courts have continued to evoke squaw narratives of Indigenous women as bloodthirsty and licentious rather than as women existing in communities ravaged by colonialism.

Some of the research I've been doing myself has shown that while all Indigenous peoples are overrepresented in the prison population, more Indigenous men have benefited from sentencing provisions for conditional sentences (prison terms to be served in the community), and special consideration for their experiences of residential schools or childhood abuse, than have Indigenous women. In Canada, rates of

imprisonment for Indigenous women have been increasing faster than those for Indigenous men.

Some of the work that I've tried to focus on is what I call conditions of endangerment in Indigenous communities, which have a particular gendered experience in terms of lack of affordable and safe housing, the configuration of power on reserves and within band councils, and the limited success of so-called mandatory charging in cases of domestic violence. In all of these areas of social policy and law reform, Indigenous women have fallen between the cracks.

Some people argue that prisons have replaced slavery as a means of confining the African-American population in the United States. These are different historical legacies, but there are also parallels. Could you speak to the connection between Canada's legacy of residential schools, its continuing theft of Indigenous territory, and the incarceration of Indigenous women?

I think the parallels with the African-American experience are significant, but they are deeply fragmented and complex ones to make. As you point out correctly, the different faces of colonialism need to be taken into account.

One of the struggles that Indigenous women face, especially in the area of ongoing treaty land claims, is their displacement and dislocation in negotiations with the state. This is itself a by-product of the Indian Act. The whole framing of land as Mother Earth, and the traditional placement of Indigenous women within the power structure of Indigenous culture, has been completely removed from any kind of negotiating process.

Andrea Smith, in the United States, takes this argument even further, and rightly so. She points to how sexual violence has been a much-needed weapon of colonization. Sexual violence and the victimization of Indigenous women is a piece of the colonialist project. If you have women who are battered and broken, you are taking away their capacity to be true political actors.

Could you discuss the conditions that Indigenous women are facing inside prisons?

I've been looking at prison reforms in Canada since about 1998, when the Prison for Women in Kingston was closed as a result of feminist research that was done into the conditions of confinement. This research revealed that victimization rates were upwards of 70 per cent, depending on whether you were an Indigenous or non-Indigenous woman. The closure of the federal Prison for Women put in place a process of building five new regional facilities, one of which was to be a healing lodge for Indigenous women, the first of its kind in Canada for federally sentenced women.

This was a place that was to be tied to traditional Indigenous process, identity and culture. Instead, the state has again colonized the correctional process in its own vision, and has revised the entire approach to the imprison-

ment of Indigenous women such that those who have the greatest need for traditional healing do not have access to that facility because they are considered too high-need and too high-risk, and are classified as maximum security. So the irony is pretty clear: those who are most devastated by colonialism are those who are being denied access to their own culture. Conditions in each of the five facilities have become increasingly punitive, with higher uses of segregation and isolation practices than we see in men's prisons, and higher rates of institutional charges against women. Women with profound mental health and cognitive needs are also being managed through increasingly punitive practices, as opposed to truly therapeutic practices.

Kim Pate, the director of the Canadian Association of Elizabeth Fry Societies, and the Native Women's Association of Canada, have taken this to the UN, trying to draw attention to the human rights abuses that continue through correctional practices in the guise of institutional security.

Public Safety Minister Vic Toews recently announced a massive increase in spending for Canadian prisons, as well as changes in sentencing that will see a huge surge in prison populations. What does this mean for the incarceration of Indigenous women?

Any country with a colonial past will ultimately incarcerate its Indigenous populations at a higher rate. The more prisons you build, the more Indigenous bodies you'll incarcerate. This is a complex practice of power that has long denied access to economic sustainability, to legitimate governance structures, and to sovereignty. There has been a very careful disempowerment of Indigenous people such that the criminal justice system ultimately becomes the legitimate authority by which to govern.

To me, it's inevitable that there will be more Indigenous women in prison, as we continue to deny them their rights and resources in their own communities.

I think that there is a real need for feminists and Indigenous women to work together. The alliance-building has to start in earnest, especially in the face of this prison industrial complex that is unfolding. We are too few to count alone, and it's time for us to start working together. ⑥

CORRECTION

Mubin Shaikh, one of two paid informants in the Toronto 18 case, wishes to respond to comments made in Sumayya Kassamali's article "Solidarity in Islamophobic times," which appeared in the January/February issue of *Briarpatch*. While the article stated that Shaikh had "admitted to soliciting police monies to maintain a cocaine habit," the \$297,000 that he received in return for his co-operation in the case "was agreed upon several months before the arrests," and preceded the commencement of his cocaine habit.

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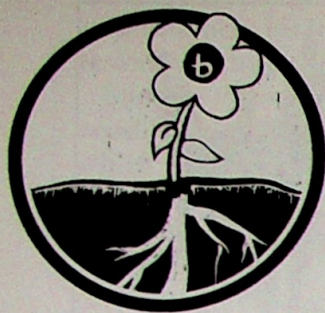
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Judy and Larry Haiven

Long-time activists and self-described "public scholars," Larry and Judy Haiven have been reading Briarpatch for 30 years. Born and raised in Toronto, they have also lived in Alberta, British Columbia, Saskatchewan, and the United Kingdom, stirring up trouble wherever they go. The



couple now lives in Halifax, Nova Scotia, where they both teach industrial relations at St. Mary's University. As former factory workers and trade union employees, their academic work draws heavily on their experiences with public engagement and activism.

What do you do for fun?

We read, travel, and most importantly make trouble – comfort the afflicted and afflict the comfortable.

What do you miss the most about the prairies?

We miss the highly politicized nature of Saskatchewan. Nova Scotians are generally not as passionate. We love to go at it hammer and tong, which is more acceptable in western Canada.

Tells us about your involvement in the Palestine solidarity movement.

We have been involved in the movement for a just peace in the Middle East for more than thirty years, all across the country, and also the U.K. We are both involved with Independent Jewish Voices, a national human rights organization founded in 2008, whose mandate is to promote a just resolution to the Israel/Palestine conflict through the application of international law and respect for the human rights of all parties.

What's your favourite book?

One of our favourite books is *The Leopard*, by Giuseppe Tomasi di Lampedusa. We also like the 1963 film *The Leopard* by Luchino Visconti.

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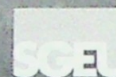
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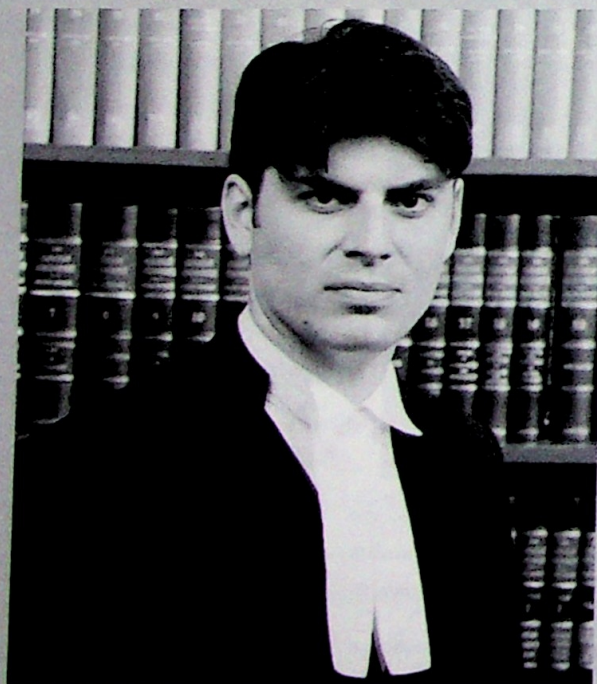
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QUOTES FROM THE UNDERGROUND



A national mythology

"Europeans discovered an unknown continent and Europe's intrepid masses came to it: a new people building a new world. Certainly some of these settlers might have been unscrupulous. They may have taken unfair advantage of the natives. But the Indians were lawless heathens and warring tribes, their societies hardly evolved since the dawn of humanity. They were invested in violent rivalries with each other, they lacked the necessary structures for civilized life and were prone to caprice and deceit. The majority of the settlers, immigrants really, were by and large Christian, law-abiding, and industrious, the embodiment of western civilization, goes the story."

SUNERA THOBANI

"A quintessential feature of white settler mythologies is the disavowal of conquest, genocide, slavery, and the exploitation of the

labour of peoples of colour. In the North, it is still the case that European conquest and colonization are often denied, largely through the fantasy that North America was peacefully settled and not colonized."

SHERENE RAZACK

Imperial lust

"Peace. There is no peace in this country. We are absolutely opposed to a bunch of cowboys in a D-9 cat running hi-diddle-diddle over the hill playing Texas chainsaw massacre with our trees. Peace: freedom from conditions which annoy the mind. It annoys our minds to sleep under the dome of imperialist lust which is constantly looking for newer and more effective means of attacking our homelands, clawing and digging at them, extracting the insides, covering our graves with roadways, golf grounds, housing projects, offices, or what-have-you."

LEE MARACLE

Suggestions for Quotes from the Underground are welcome and can be sent to editor@briarpatchmagazine.com

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We say no

Tsilhqot'in stand united against Taseko Mines

By Russell Samuel Myers Ross



LAST NOVEMBER, hundreds of people gathered in the community of Tlet'inqox to thank the land defenders and praise the federal government's decision to turn down Taseko Mines' Prosperity project, a proposed gold and copper mine on Tsilhqot'in territory in northern B.C. The scope of the proposed project – for which Taseko Mines will soon submit a revised proposal – involves transforming Teztan Biny, a lake containing roughly 80,000 trout, into an open-pit mine. The project further proposes the establishment of an artificial lake for the toxic tailings in the Nabas valley, which is located in close proximity to Dasiqox Biny, a large lake that contains the region's mountain runoff and flows into a fish-bearing river.

As the event began, a microphone was passed to everyone in attendance, and a series of testimonies were concluded with a clear sentiment in the minds of those assembled: We succeeded in protecting Teztan Biny because our nation was unified.

For the Tsilhqot'in, the November celebration marked a short reprieve from a three-year struggle. It was shared with an understanding that the Tsilhqot'in – people of the river – still stand upon contested land. We will inevitably be at it again, defending another place in a region that has never been legitimately ceded to British Columbia or the Canadian state.

The struggle to protect Teztan Biny has made the nation much more cautious in trusting companies such as Taseko Mines, particularly after seeing Taseko publicly reject the findings in the federal environmental assessment report, which expressed the potentially illegal infringement of Tsilhqot'in land.

In response to environmental concerns, the mining industry sought the support of political authorities, and were far from disappointed. While Taseko Mines tried to sway the Tsilhqot'in with money, the provincial and local authorities carried out a public relations offensive to pressure the Tsilhqot'in into compliance. It quickly became evident that Taseko Mines was a significant financial contributor to the B.C. Liberal party, and the governing party's loyalties were favourably entrusted in building support for Prosperity Mine. Premier Gordon Campbell endorsed the project, and Randy Hawes, Minister of State for Mining, argued: "I get that [Teztan Biny] is important to you, but put your kids first." Hawes blamed the Tsilhqot'in for the conditions of poverty and "hopelessness" in their community, which he said could only be relieved if they accepted the mine. He later reiterated an idle threat manufactured by a couple of local politicians:

"As the mayor of Williams Lake said, if this mine doesn't go, there are going to be some very severe racial problems because a lot of the people who are counting on this mine and are looking at it for hope are going to blame the Aboriginal community."

Indeed, politicians in Williams Lake were also clearly in support of the project, which meant that the Tsilhqot'in had to turn away from the provincial and municipal governments and consolidate ties with people, organizations and communities that could be unified in collectively promoting respect for Indigenous people's land and waterways that sustain all life. The Tsilhqot'in galvanized a broad network of Indigenous nations, especially those formerly or currently affected by resource-extraction activities, and also environmental, legal and citizenry-based organizations. The Tsilhqot'in turned to people and groups who held a common trust, a relational connection that was not tied to monetary salvation.

Together we carried the weight and responsibility of defending the land. Of the lessons learned, foremost among them was the importance of maintaining momentum and a collective feeling of solidarity. In actualizing this sense of belonging, gatherings were established at and near Teztan Biny. Hundreds participated in the Run for Sacred Water relay, events were created to fundraise and to showcase the legacy of mining for Indigenous peoples elsewhere, people petitioned and protested, and hundreds voiced concerns during the federal panel hearings. Building momentum is difficult, particularly given the sense of despair that sets in when the powerful appear bigger than us. Nevertheless, the people who shared in the struggle to protect Teztan Biny were engaging in a relational model of politics that conceptualized ideas of wealth and memories of place much differently than Empire.

This relational model, based on reconnecting land and people, was demonstrated by one of the first actions of defiance, which was to prevent Taseko representatives and the provincial environmental official from holding a public meeting on Tsilhqot'in territory so long as certain demands were not met. The community hall was blocked by a group of leaders who wielded drums and sang until the crowd left. Our weapons, which we chose carefully, were our voices and our drums' beat. It became the theme of every event – sharing songs of the struggle, remembering the songs of our relations and thus carrying our responsibility to protect the fish and water. In those spaces where the drum travelled, I learned, as I was learning the songs, that we were unified in redefining our roles, identity and culture within this struggle. ❧

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Don Drummond, TD Chief Economist
October 2, 2009, Toronto Speech

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